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ERICSSON INC. 6300 LEGACY DRIVE M/S EVR 1-C-11 PLANO, TX 75024			JOHNS, CHRISTOPHER C	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/596,529	<b>Applicant(s)</b> NIEBERT ET AL.	
	<b>Examiner</b> Christopher C. Johns	<b>Art Unit</b> 3621	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 21,23-38,40 and 42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21,23-38,40 and 42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Acknowledgements***

1. This Office Action is given Paper No. 20100406 for reference purposes only.
2. This Office Action is in response to the Response to Non-Final Office Action, filed by Applicants on 6 January 2010.
3. Claims 21-38, 40, and 42 are pending.
4. Claims 21-38, 40, and 42 have been examined.

### ***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claim 40 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

7. The claim is directed towards a “computer program product embodied on a computer readable medium”. The specification is silent on what comprises a “computer readable medium”. As such, the “medium” may be defined as a “transmission type media such as digital and analog communication links” (see U.S. Patent 6,265,885, column 6, lines 37-49), and the “computer code” may be signals that travel along said media. As such, the claim is not statutory because a signal is not statutory. See MPEP §2106 IV B, and *In re Nuijten*, 500 F.3d 1346 (84 USPQ2d 1495) (Fed. Cir. Sept. 20, 2007).

***Claim Rejections - 35 USC § 112 1<sup>st</sup> Paragraph***

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claim 22 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

10. Claim 22's recitation of "transferring...from the first user unit to central interface unit and then to the second user unit" is not present in the claims, specification, or drawings, as originally filed.

***Claim Rejections - 35 USC § 112 2<sup>nd</sup> Paragraph***

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

12. Claims 22 and 42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

13. Claim 22's recitation of "transferring...from the first user unit to central interface unit and then to the second user unit" renders the claim indefinite because a person having ordinary skill in the art would not understand whether:

- a. the first user unit transfers the "media file" and "usage rights data" to the "central interface unit", which then transfers said "file" and "data" to the second user unit; or
- b. the first user unit transfers the "media file" and "usage rights data" to the "central interface unit", and in a separate step, also transfer the "file" and "data" to the second user unit.

14. Because a person having ordinary skill in the art would not understand the meaning of this recitation, said person would not be able to implement the claimed invention, rendering the claim indefinite.

15. In claim 42, claim elements "means for transferring", "means for limiting", "means for providing", "means for coupling", "means for logging", "means for generating", and "means for transferring" are means plus function limitation that invoke 35 U.S.C. 112, sixth paragraph.

However, the written description fails to clearly link or associate the disclosed structures or material to the claimed functions such that one of ordinary skill in the art would recognize what structure or material perform the claimed function.

16. Applicant is required to:

- c. Amend the claim so that the claim limitation will no longer be a means (or step) plus function limitation under 35 U.S.C. 112, sixth paragraph; or

d. Amend the written description of the specification such that it clearly links or associates the corresponding structure, material, or acts to the claimed function without introducing any new matter (35 U.S.C. 132(a)).

17. The Examiner finds that because the claims are indefinite under 35 U.S.C. §112, 2<sup>nd</sup> paragraph, it is impossible to properly construe claim scope at this time. However, in accordance with MPEP §2173.06 and the USPTO's policy of trying to advance prosecution by providing art rejections even though claims may be indefinite, the claims are construed and the prior art is applied as much as practically possible.

***Claim Rejections - 35 USC § 103***

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 21-25, 40, and 42 are rejected under 35 U.S.C. §103(a) as being unpatentable over European Patent Application 1 045 386 ("Herpel") in view of United States Patent 7,222,104 ("Tadayon"), with Request for Comment 2616 ("HTTP") and Request for Comment 793 ("TCP") as supporting evidence.

20. As per claim 21, Herpel discloses:

21. wherein the media file (¶14 - "multimedia content item") includes at least one component of image data, audio data, and video data (Abstract - "multimedia content item (like digital music, video or software)");

22. transferring at least one of the media file (§14 - “multimedia content item”) and the associated usage rights data (§14 - “content descriptor...will contain the decryption key”) directly from the first user unit (§14 - “primary device”) to the second user unit (§14 - “secondary device”) via a communication link between the first and second user units (§14 - “multimedia content item is copied to the secondary device”);
23. limiting access by the first user unit to the media file (§18 - “if the multimedia content item is no longer needed on the primary device, it can be physically deleted”);
24. providing access to the second user unit to the media file (§14 - “copied to the secondary device”);
25. coupling at least one of the first and second user units over a communications network (§17 - “transaction occurs in a wide area network”).
26. Herpel does not explicitly disclose:
27. identifying the at least one of a media file by a central interface unit;
28. coupling at least one of the first and second user units over a communications network to the central interface unit;
29. logging, at the central interface unit, the transfer of at least one of the media file and its associated usage rights data to the second user unit;
30. generating an acknowledgement receipt by the second user unit after receipt of the media file;
31. transferring the acknowledgement receipt from the second user unit to the first user unit after the media file is transferred from the first user unit to the second user unit.

32. Tadayon teaches:
33. identifying the at least one of a media file (column 5, lines 30-43 - “request is sent to server 250...ascertain if the requested transfer has been authorized”; since each file must be authorized, the central interface unit **250** must inherently identify the file when the request to transfer is made) by a central interface unit (figure 2, reference 250);
34. coupling at least one of the first and second user units over a communications network to the central interface unit (figure 1, arrows between 150 and 130, 150 and 132);
35. logging, at the central interface unit, the transfer of at least one of the media file and its associated usage rights data to the second user unit (column 4, lines 35-37 - “clearinghouse 150 also maintains various records regarding ownership and usage rights...”).
36. Tadayon further discloses, as evidenced by HTTP and TCP:
37. generating an acknowledgement receipt (TCP, page 4, ¶3 - “a positive acknowledgement (ACK)”) by the second user unit after receipt of the media file (TCP, page 4, ¶3 - “a positive acknowledgement (ACK) from the receiving [station]”; said acknowledgement is sent from the receiving station);
38. transferring the acknowledgement receipt from the second user unit to the first user unit after the media file is transferred from the first user unit to the second user unit (TCP, page 4, ¶3 - “a positive acknowledgement (ACK) from the receiving [station]”; said acknowledgement is sent from the receiving station).



39. Tadayon discloses that the system may be implemented “using HTTP” (column 6, line 43); HTTP runs over the TCP system (HTTP, page 11, ¶3 - “HTTP Communication usually takes place over TCP/IP connections”). As such, the acknowledgement messages in TCP are inherent in Tadayon.

40. Tadayon teaches identifying, coupling, and logging, in order to create a system that allows for direct transfers of data, as well as the upkeep of log files which can better reflect the movement of said data. A person having ordinary skill in the art would see this as advantageous because it would create a more trustworthy system (in the event of data loss, the proper permissions could be read in the log file). Users would be more likely to use it because of its security and trust. This, in turn would create a more profitable system, because users would be more likely to purchase and use a system that is more secure and trustworthy

41. Therefore, it would have been obvious to a person having ordinary skill in the art to include in Herpel the logging and coupling as taught by Tadayon, since the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately. A person having ordinary skill in the art would have recognized that the results of the combination were predictable, as well as advantageous because it would create a more trustworthy system.

42. Claims 40 and 42 are substantially similar to claim 21, and are therefore similarly rejected.

43. As per claim 22, Herpel in view of Tadayon discloses as above, and further discloses:

44. transferring at least one of the media file and the associated usage rights data from the first user unit to a central interface unit and then to the second user unit (Tadayon, column 6, lines 52-55 - digital works can be transferred...through a centralized system“).

45. As per claims 23-25, Herpel in view of Tadayon discloses as above, and further discloses:

46. transferring at least one of the second media file and its associated usage rights data from the second user unit to the first user unit;

47. limiting access by the second user unit to the second media file (§18 - “if the multimedia content item is no longer needed on the primary device, it can be physically deleted”);

48. providing access to the first user unit to the second media file (§14 - “copied to the secondary device”);

49. wherein the logging step further comprises the step of logging the transfer of at least one of the second media file and its associated usage rights data from the second user unit to the first user unit (column 4, lines 35-37 - “clearinghouse 150 also maintains various records regarding ownership and usage rights...”);

50. transfer of at least one of the first media file and its associated usage rights data to the second user unit is part of a swap transaction conditioned upon the transfer of at least one of the second media file and its associated usage rights data to the first user unit (Tadayon, column 5, lines 3-29 - “user 130 and user 132 desire to exchange their respective rights in content 210 and 310...”);

51. second user unit transfers more than one media file to the first unit as part of a swap transaction (Tadayon, column 5, lines 3-29 - “user 130 and user 132 desire to exchange their respective rights in content 210 and 310...”; the same actions that are performed on the first user unit, during a “transfer” transaction, are performed on the both the first and second user units in the “exchange” transaction).

52. Claims 26-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herpel in view of Tadayon, further in view of Admitted Prior Art (under MPEP §2144.03 C).

53. As per claim 26, Herpel in view of Tadayon discloses as above, but does not explicitly disclose:

54. generating a dummy media file substituting at least one of the second media file and its associated usage rights data to satisfy the swap transaction conditions.

55. It is now Admitted Prior Art (under MPEP §2144.03 C) that dummy files were old and well-known in the art because it creates a mechanism by which users or programmers may test functionality of a program; by creating a dummy media file that has no consequence in reality, it allows a user or a programmer to test out swapping functionality, in order to make sure it works properly. A person having ordinary skill in the art would see this as advantageous because it would create a more reliable system that is able to be tested, even after being deployed. This, in turn, would lead to a more trustworthy system, which would be a more profitable system (as users would be more likely to use it).

56. Therefore, it would have been obvious to a person having ordinary skill in the art to include in Tadayon and Herpel the concept of dummy files, since the claimed invention is merely

a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately. A person having ordinary skill in the art would have recognized that the results of the combination were predictable, as well as advantageous because it would lead to a more reliable and trustworthy system.

57. As per claim 27, Herpel in view of Tadayon discloses as above, but does not explicitly disclose:

58. transferring the media file to be transferred from the storage unit of the first user unit to the associated output buffer, and transferring the media file to be transferred from the output buffer of the transferring user unit to the input buffer of the second user unit.

59. It is now Admitted Prior Art (under MPEP §2144.03 C) that transferring to and from an buffers was old and well-known in the art because it allows for the burst-sending of data. Instead of sending as much data as possible each second, a buffer allows a computer program to send a continuous amount of data. This is much like a line for a rollercoaster - it queues up as much data as possible before sending it all at once, creating a more reliable system. A person having ordinary skill in the art would further find this to be advantageous because it would create a more reliable system where, if a connection were not available, the data could be queued up.

60. Therefore, it would have been obvious to a person having ordinary skill in the art to include in Tadayon and Herpel the concept of buffering, since the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately. A person having ordinary skill in the art would

have recognized that the results of the combination were predictable, as well as advantageous because it would create a more reliable system.

61. As per claim 28, Herpel in view of Tadayon, further in view of Official Notice discloses as above, and further discloses:

62. updating a transfer log to reflect the removals and additions of the transferred media file (¶19 - “complete data base of multimedia content items at all times”).

63. As per claims 29 and 30, Herpel in view of Tadayon, further in view of Admitted Prior Art discloses as above, and further discloses:

64. polling a digital rights management system within the central interface unit by the transferring user unit;

65. receiving a command or message from the digital rights management system by the transferring user unit to limit access by the transferring user unit to the transferred media file (column 6, lines 5-18 - “clearinghouse 150 can collect an electronic signature from user 132 and send any appropriate notices, such as a terminating notice, to user 130”);

66. polling a digital rights management system within the central interface unit by the receiving user unit;

67. receiving a command or message from the digital rights management system by the receiving user unit to grant to the receiving user unit access to the received media file (Tadayon, column 6, lines 52-55 - “digital works can be transferred directly from user to user or through a centralized system”);).

68. As per claims 31, 32, and 34-38, Herpel in view of Tadayon, further in view of Admitted Prior Art discloses as above, and further discloses:

69. preventing access to a transferred media file by a receiving user if the DRM system has associated the transferred media file with a third user unit, cryptographically associating each transferred digital media file with a receiving user unit (§15 - “assumes that decryption keys are valid only for a single storage device or a single player application”);

70. cryptographically associating each transferred digital media file with a receiving user unit (§14 - “new decryption key for use...on the second device is generated”);

71. providing a history log for integration into each media file that identifies at least one of previous owners and transfers of the media file, synchronizing the media file history log with the logged transfers stored within the central interface unit (§19 - “complete data base of multimedia content items at all times”; §20-23 - “content descriptor consists of a number of flags including an original/copy flag...key for decryption...copy bits...media active bit”);

72. media file transferred with one or more usage restrictions (§9 - “rights associated to a multimedia content items and that includes a location-specific decryption key”);

73. transferring media file back to the transferring unit after a usage restriction condition associated with the transferred media file has been met, synchronize at least one of the media files and the associated usage rights data, if any, stored within each user unit with one or more databases within the central interface unit (Tadayon, column 5, line 66 - column 6, line 4 - “process returned content by a user, to obtain a refund...as an added usage right”; column 5, lines 25-30 - “can keep track of rights, fees, percentages, content owners, and current users”).

74. As per claim 33, Herpel in view of Tadayon discloses as above, but does not explicitly disclose:

75. transferring the transferred media file from the receiving unit back to the transferring unit if the transfer is not ratified.

76. It is now Admitted Prior Art (under MPEP §2144.03 C) that returning data when a transaction is not completed was old and well-known in the art because of the want to control all copies of a work. Both Tadayon and Herpel speak of the need to control works (Herpel; ¶19 - “can be physically deleted”); as such, a user that does not pay for a work should not be entitled to receive said work. Sending the work back to the transferring unit allows for a more profitable system where the content owners are more likely to be compensated for their work’s usage.

77. Therefore, it would have been obvious to a person having ordinary skill in the art to include in Tadayon and Herpel the concept of sending data back upon a lack of ratification, since the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately. A person having ordinary skill in the art would have recognized that the results of the combination were predictable, as well as advantageous because it would create a more profitable system.

78. Claims 21-25 and 39-42 are alternatively rejected under 35 U.S.C. §103(a) as being unpatentable over Herpel in view of Tadayon, further in view of TCP<sup>1</sup>.

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<sup>1</sup> MPEP §2112.III authorizes a secondary 35 USC §103 rejection, when the “the composition of the prior art is the same as that of the claim but the function is not explicitly disclosed by the

79. Claims 26-38 are alternatively rejected under 35 U.S.C. §103(a) as being unpatentable over Herpel in view of Tadayon, in view of Admitted Prior Art, further in view of TCP<sup>2</sup>.

80. It is the Examiner's primary position that the claims are anticipated because the above-mentioned features (i.e. "generating an acknowledgement receipt by the second user unit after receipt of the media file, transferring the acknowledgement receipt from the second user unit to the first user unit after the media file is transferred from the first user unit to the second user unit") are inherent. However, if not inherent, then TCP teaches:

81. generating an acknowledgement receipt (TCP, page 4, ¶3 - "a positive acknowledgement (ACK)") by the second user unit after receipt of the media file (TCP, page 4, ¶3 - "a positive acknowledgement (ACK) from the receiving [station]"; said acknowledgement is sent from the receiving station);

82. transferring the acknowledgement receipt from the second user unit to the first user unit after the media file is transferred from the first user unit to the second user unit (TCP, page 4, ¶3 - "a positive acknowledgement (ACK) from the receiving [station]"; said acknowledgement is sent from the receiving station).

83. TCP teaches using ACK (acknowledgement) receipts in order to create a more reliable system. By using ACK receipts, TCP creates a more stable platform for data transmission because it is able to "recover from data that is damaged, lost, duplicated, or delivered out of order" (page 4, ¶3). This creates a more reliable system for data transfer. This, in turn, creates a

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reference". A second §103 rejection has been made to avoid any potential questions of inherency.

<sup>2</sup> MPEP §2112.III authorizes a secondary 35 USC §103 rejection, when the "the composition of the prior art is the same as that of the claim but the function is not explicitly disclosed by the



more profitable system, because users would be more likely to purchase and use a system that is more reliable (as opposed to one that is less reliable).

84. Therefore, it would have been obvious to a person having ordinary skill in the art to include in Herpel and Tadayon the acknowledgement messages as taught by TCP, since the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately. A person having ordinary skill in the art would have recognized that the results of the combination were predictable, as well as advantageous because it would create a more reliable and profitable system.

### ***Claim Interpretation***

85. The Examiner finds that because claims 21, 23-38, and 40 recite neither “step for” nor “means for,” claims 21, 23-38 and 40 fail Prong (A) as set forth in MPEP §2181 I. Because claims 21, 23-38 and 40 fail Prong (A) as set forth in MPEP §2181 I., the Examiner concludes that claims 21, 23-38 and 40 do not invoke 35 U.S.C. §112, 6th paragraph. See also *Ex parte Miyazaki*, 89 USPQ2d 1207, 1215-16 (B.P.A.I. 2008) (precedential).

86. The Examiner hereby adopts the following definitions under the broadest reasonable interpretation standard. In accordance with *In re Morris*, 127 F.3d 1048, 1056, 44 USPQ2d 1023, 1029 (Fed. Cir. 1997), the Examiner points to these other sources to support his interpretation of the claims.<sup>3</sup> Additionally, these definitions are only a guide to claim

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reference”. A second §103 rejection has been made to avoid any potential questions of inherency.

<sup>3</sup> While most definitions are cited because these terms are found in the claims, the Examiner has provided additional definitions to help interpret words, phrases, or concepts found in the definitions themselves or in the prior art.

terminology since claim terms must be interpreted in context of the surrounding claim language.

Finally, the following list is not intended to be exhaustive in any way:

87. **For:** “1 a -- used as a function word to indicate purpose... b -- used as a function word to indicate an intended goal” Webster's Ninth New Collegiate Dictionary, Merriam-Webster Inc., Springfield MA, 1986.

88. **If:** “1 a : in the event that” Webster's Ninth New Collegiate Dictionary, Merriam-Webster Inc., Springfield, M.A., 1986.

89. **To:** “2a -- used as a function word to indicate purpose, intention, tendency, result, or end.” Webster's Ninth New Collegiate Dictionary, Merriam-Webster Inc., Springfield MA, 1986.

### ***Response to Arguments***

90. As per Applicants' arguments concerning the Official Notices, Applicants' attempt at traversing the Official Notice findings as stated in the previous Office Action (Paper No. 20090924, Paragraph No. 35-43 and 54-57) is inadequate. Adequate traversal is a two step process. First, applicants must state their traversal on the record. Second, and in accordance with 37 C.F.R. §1.111(b), which requires applicants to specifically point out the supposed errors in the Office Action, applicants must state why the Official Notice statements are not to be considered common knowledge or well known in the art.

91. In this application, while Applicants have clearly met step (1), Applicants have failed step (2) since they have failed to argue why the Official Notice statements are not to be considered common knowledge or well known in the art. Because Applicants' traversal is

inadequate, the Official Notice statements in paragraphs 35-43 and 54-57 (Paper Number 20090924) are taken to be admitted as prior art. See MPEP §2144.03 C.

92. Furthermore, Applicants have not argued the propriety of any the rejections of claims 23-28; their arguments have only focused on independent claims 21, 22, 40, and 42.

93. Applicants' arguments, concerning the independent claims, filed 6 January 2010 have been fully considered but they are not persuasive.

94. **Applicants argue:** "Neither the media server of Herpel nor the transfer permissions module/rights transfer module of Tadayon can be equated to the claimed central interface unit [because of] the nature of the data stored according to Herpel and Tadayon" (remarks, page 10, ¶4).

95. **Examiner's response:** The Examiner disagrees.

96. It is noted that the features upon which applicant relies (i.e., "nature of the data stored") are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). As Herpel in view of Tadayon discloses the structure and function of the claimed invention, Applicants' argument is unconvincing.

97. The remainder of Applicants' arguments (remarks, page 10, ¶5 - page 11, ¶1) with respect to the claims have been considered but are moot in view of the new ground of rejection. They argue limitations that were not previously in the claims – as they have been fully addressed in this Office Action, the arguments are overcome.

***Conclusion***

98. Applicant's amendment, filed on 6 January 2010, necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

99. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

100. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher C. Johns whose telephone number is (571)270-3462. The Examiner can normally be reached on Monday - Friday, 9 am to 5 pm.

101. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

102. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher C Johns/  
Examiner, Art Unit 3621

/EVENS J. AUGUSTIN/  
Primary Examiner, Art Unit 3621